

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONWAY T. PERRY,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 8:12CR185

**FINDINGS AND RECOMMENDATION
AND ORDER**

This case is before the court on the defendant Conway T. Perry's motions (#32). The defendant, Conway T. Perry, was indicted on June 19, 2012 on one count of bank fraud, punishable by thirty years imprisonment, a fine not to exceed one million dollars, not more than five years of supervised release, and a \$100 special assessment. The defendant is pro se, with the Federal Public Defender appointed as stand-by counsel.

On August 29, 2012 the defendant appeared before United States Magistrate Judge Thomas D. Thalken and a pretrial motion deadline was set for September 19, 2012. On September 18, 2012 the defendant filed a document titled "Pre-Trial Direction (nee Motions)" (#32). A careful review of the filing demonstrates that it is not in compliance with the local rule of the United States District Court for the District of Nebraska 12.3(b)(1), which provides, in part, that any party's failure to simultaneously file a brief may be an abandonment of a motion. Even though the defendant in this case is a pro se litigant, he is required to follow both the local rules of the District of Nebraska and the Federal Rules of Criminal Procedure. As no brief was filed by the defendant, and the document fails to request an evidentiary hearing, I find that the failure to file a simultaneous brief to be an

abandonment of the issues raised. I therefore find that the motion should be dismissed as it fails to comply with the District Court's local rules.

**IT IS THE FINDING AND RECOMMENDATION TO CHIEF JUDGE LAURIE SMITH
CAMP,**

That the defendant's Pre-Trial Direction (nee Motions) (#32) should be dismissed and any issues raised in the motion be deemed abandoned for violation of Local Rule of the United States District Court for the District of Nebraska 12.3(b)(1).

IT IS ORDERED:

That the Clerk of the court, because of the defendant's pro se status, shall mail a copy of this Finding and Recommendation to the last address provided by the defendant.

Dated this 18th day of September 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Findings and Recommendation and Order" within fourteen (14) days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.